

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOSE BLANCO BONILLA,

Plaintiff,

-against-

ORDER

20-CV-0655 (JS)

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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APPEARANCES

For Plaintiff: Jonathan R. Klee, Esq.
Klee, Woolf, Goldman & Filpi, L.L.P.
350 Willis Avenue
Mineola, NY 11501

For Defendant: Anne Zeigler, Esq.
SSA/OGC
601 E. 12th Street, Room 965
Kansas City, MO 64106

SEYBERT, District Judge:

On February 5, 2020, plaintiff Jose Blanco Bonilla ("Plaintiff") filed a Complaint against the Commissioner of Social Security seeking review of the decision of the Administrative Law Judge pursuant to Section 205(g) of the Social Security Act, as amended, 42 U.S.C. § 405(g), together with an application to proceed in forma pauperis. For the reasons that follow, the application to proceed in forma pauperis is DENIED WITHOUT PREJUDICE and with leave to renew upon completion of the AO 239 in forma pauperis application form. Alternatively, Plaintiff may remit the \$400.00 filing fee.

On the in forma pauperis application, Plaintiff has left

blank the question on the form that asks for employment status and reports that he has not received any money from any source within the last twelve (12) months other than \$663.78 per month in Workers' Compensation benefits. (See IFP Mot., D.E. 3, ¶¶ 2-3.) Plaintiff avers that he has \$5,000.00 in cash or in a checking or savings account and he reports owning a "home" and "car" but does not describe these items nor does he provide the approximate values. (See IFP Mot., ¶¶ 4-5.) Plaintiff reports regular monthly expenses, including housing, transportation, and utilities, totaling \$4,078.00 (IFP Mot., ¶ 6.) Plaintiff also reports that he has two sons who are dependent on him for support but he does not include how much he contributes to their support. (IFP Mot., ¶ 7.) In response to the question on the form that calls for the description of "[a]ny debts or financial obligations (describe the amounts owed and to whom they are payable)", Plaintiff wrote only "home mortgage \$2,200" and "solar pan[els] \$17,000". (IFP Mot. ¶ 8.)

Thus, because the incomplete responses provided by Plaintiff on the in forma pauperis application raise more questions than they answer, and do not permit the Court to conclude that Plaintiff is qualified to proceed in forma pauperis, Plaintiff's application is DENIED WITHOUT PREJUDICE to a renewal thereof upon completion of the AO 239 in forma pauperis application form annexed

to this Order. Under the circumstances, Plaintiff can best set forth his current financial position on the long form in forma pauperis application (AO 239). Plaintiff is directed to either remit the \$400.00 filing fee or complete and return the enclosed in forma pauperis application within fourteen (14) days from the date of this Order. Plaintiff is cautioned that a failure to timely comply with this Order will lead to the dismissal of the Complaint without prejudice and judgment will enter.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore in forma pauperis status is denied for the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444-45, 82 S. Ct. 917, 8 L. Ed. 2d 21 (1962).

The Clerk of Court is directed to include the AO 239 in forma pauperis application form with this Order.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: April 10, 2020
Central Islip, New York